

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

WESLEY JAMES RHODES,

Defendant.

CR 18–09–BU–DLC

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on December 13, 2018. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Wesley James Rhodes’ guilty plea after Rhodes appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to the charge of being a felon in

possession of a firearm in violation of 18 U.S.C. § 922(g)(1) as set forth in the Indictment. Defendant further agrees to the forfeiture allegation.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 26), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Wesley James Rhodes' motion to change plea (Doc. 18) is GRANTED and Wesley James Rhodes is adjudged guilty as charged in the Indictment.

DATED this 3rd day of January, 2019.



Dana L. Christensen, Chief District Judge
United States District Court